

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

HANS REISER,
Petitioner,

v.

GENA JONES,
Respondent.

Case No. [22-cv-05071-WHO](#) (PR)

ORDER OF DISMISSAL

Dkt. No. 9

This federal action was filed as a petition for writ of habeas corpus, that is, as a challenge to the lawfulness or duration of petitioner Hans Reiser's incarceration. A review of the petition, however, shows that Reiser is challenging the conditions of his confinement at the California Health Care Facility in Stockton, California. Because success on such a request will not affect the length of his incarceration, his claims are not the proper subject of a habeas action. *See Badea v. Cox*, 931 F.2d 573, 574 (9th Cir. 1991) (habeas corpus action proper mechanism for challenging "legality or duration" of confinement). Furthermore, the Eastern District of California, where Reiser is held, not the Northern District, is the appropriate forum in which to challenge the conditions of confinement.

Accordingly, this action is **DISMISSED** without prejudice to Reiser filing a federal civil rights action in the Eastern District.

Reiser's motion to proceed *in forma pauperis* in this habeas action is **GRANTED**. (Dkt. No. 9.) The Clerk shall terminate all pending motions, enter judgment in favor of respondent, and close the file.

IT IS SO ORDERED.

Dated: September 28, 2022


WILLIAM H. ORRICK
United States District Judge